



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

SPN  
F. #2014R01283

*271 Cadman Plaza East  
Brooklyn, New York 11201*

January 6, 2015

By Email and ECF

Michael P. Padden, Esq.  
Federal Defenders of New York  
One Pierrepont Plaza, 16th Floor  
Brooklyn, NY 11201

Re: United States v. Mouafak Al-Sabsabi  
Criminal Docket No. 14-583 (SLT)

Dear Mr. Padden:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant. Due to the sensitive nature of certain of these materials, we respectfully request that you not disseminate these materials outside the defense team. If you object to this request, please call me at your earliest convenience to discuss your objections, as the government may seek the entry of a protective order if necessary.

I. The Government's Discovery

A. Statements of the Defendant

Enclosed please find a hard drive, Bates numbered GS-Disk-001, containing, among other items, (1) video and audio recordings of the defendant and others taken on various dates in July and August 2014, which recordings include statements by the defendant; (2) draft transcripts and transcript summaries of several conversations involving the defendant and other members of the charged conspiracy, Bates numbered GS000001 – GS000026; and (3) notes documenting post-arrest statements made by the defendant on August 26, 2014, Bates numbered GS000027 – GS000036.

B. The Defendant's Criminal History

The government is not aware of any reported criminal history for this defendant.

C. Documents and Tangible Objects

Physical evidence available for your inspection includes the \$4,000 in counterfeit currency purchased from the defendant on July 8, 2014. You may examine the physical evidence discoverable under Rule 16 by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

### III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a "formal offer" or a "plea offer," as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012). We will present a plea offer to you in this case under separate cover.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney

By: /s/ Samuel P. Nitze  
Samuel P. Nitze  
Assistant U.S. Attorney  
(718) 254-6465

Enclosures

cc: Clerk of the Court (SLT) (by ECF) (without enclosures)